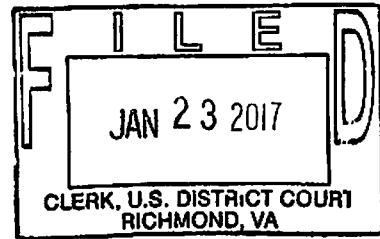


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KENDINYA HALL,

Petitioner,

v.

Civil Action No. 3:16CV123

HAROLD CLARKE,

Respondent

MEMORANDUM OPINION

Kendinya Hall, a Virginia inmate proceeding pro se, submitted a 28 U.S.C. § 2254 petition ("§ 2254 Petition," ECF No. 1) challenging his 2011 convictions in the Circuit Court for the City of Norfolk, Virginia. On December 20, 2016, the Magistrate Judge recommended that the Motion to Dismiss be granted, Hall's claims be dismissed, and the § 2254 Petition be denied as barred by the applicable statute of limitations. The Court advised Hall that he could file objections within fourteen (14) days after the entry of the Report and Recommendation. Hall has not responded.

"The magistrate makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court." Estrada v. Witkowski, 816 F. Supp. 408, 410 (D.S.C. 1993) (citing Mathews v. Weber, 423 U.S. 261, 270-71 (1976)). This Court "shall make a de novo determination of those portions

of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). "The filing of objections to a magistrate's report enables the district judge to focus attention on those issues—factual and legal—that are at the heart of the parties' dispute." Thomas v. Arn, 474 U.S. 140, 147 (1985). In the absence of a specific written objection, this Court may adopt a magistrate judge's recommendation without conducting a de novo review. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 316 (4th Cir. 2005).

There being no objections, and the Court having determined that the Report and Recommendation is correct on its merits, the Report and Recommendation (ECF No. 19) will be accepted and adopted. The Motion to Dismiss (ECF No. 13) will be granted. Hall's § 2254 Petition (ECF No. 1) will be denied. Hall's claims and the action will be dismissed. A certificate of appealability will be denied.

The Clerk is directed to send a copy of this Memorandum Opinion to Hall and counsel of record.

It is so ORDERED.

/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date:

January 20, 2017
2017 REP